UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/633,287	08/01/2003	Kenji Yamane	112857-418	3340

29175   7590   06/24/2009
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EXAMINER
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ART UNIT	PAPER NUMBER
2423	

MAIL DATE	DELIVERY MODE
06/24/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>25 February 2009</u>.
2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-5,7-12,14 and 15</u> is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) <u>1-5,7-12,14 and 15</u> is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☒ All   b)☐ Some * c)☐ None of:
      1.☒ Certified copies of the priority documents have been received.
      2.☐ Certified copies of the priority documents have been received in Application No. _____.
      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.
4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.
5)☐ Notice of Informal Patent Application
6)☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2.   Claims 1-2, 7-12, and 14-15 are rejected under 35 U.S.C. 103(a) as being

unpatentable over US Patent Publication 2004/0044732 to Fushiki et al. (Fushiki), in

view of US Patent 7,271,809 to Fedorovskaya et al. (Fedorovskaya).

Regarding claim 1, Fushiki teaches an information processing system (Para.

0029, ll. 1-3, & figure 6).

In addition Fushiki teaches a first information processing apparatus (606a, or b)

for receiving a first content (figure 7, step 702); and a second information processing

apparatus (604) for transmitting the first content (figure 7, step 702) to the first

information processing apparatus (606a, or b); the first information processing

apparatus (606a, or b) comprising, receiving means (inherent because 606a, or b

receives from 604 via 602) for receiving the first content (figure 7, step 702) from the

second information processing apparatus (604) (Para. 0076, 12-14).

In addition Fushiki teaches the second information processing apparatus (604)

comprising, first acquisition means for acquiring the first content (see image server on

604), second acquisition means for acquiring a second content (figure 7, step 706).

Fushiki teaches storing the list of modifications made to the images by client and in return effecting the changes to the images and transmitting the corrected images an the edit list to the client (figure 7, steps 714, & 716) which meets "synthesis means for combining the second content (edit list) with the first content in units of tiles (image (image is a portion of a screen or frame)) and second transmission means for transmitting a resultant content obtained by combining the second content with the first content by the synthesis means, to the first information processing apparatus".

However, Fushiki is silent on wherein a ranking and popularity are associated with each tile, the ranking having a predetermined associated content.

In a similar field of endeavor Fedorovskaya teaches ranking images as favorites based on the degree of preference of a user (column 9, 8-17) which meets "wherein a ranking and popularity are associated with each tile, the ranking having a predetermined associated content".

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Fushiki to include wherein a ranking and popularity are associated with each tile, the ranking having a predetermined associated content as taught by Fedorovskaya in order to support behavioral image editing, thereby allowing the selection of favorite images based on user behavior or mood.

Regarding claim 2, Fushiki teaches an information processing method for an information processing system (figure 7, entire).

In addition Fushiki teaches a first information processing apparatus (606a, or b) for receiving a first content (figure 7, step 702); and a second information processing apparatus (604) for transmitting the first content (figure 7, step 702) to the first information processing apparatus (606a, or b); an information processing method for the first information processing apparatus (606a, or b) comprising, a receiving step of receiving the first content from the second information processing apparatus (604) (figure 7, step 702).

In addition Fushiki teaches an information processing method for the second information processing apparatus (604) (figure 7, step 706), comprising, a first acquisition step of acquiring the first content (image has to be acquired see figure 1, label 192), a second acquisition step of acquiring a second content (edit list) (figure 7, step 706).

Fushiki teaches storing the list of modifications made to the images by client and in return effecting the changes to the images and transmitting the corrected images an the edit list to the client (figure 7, steps 714, & 716) which meets "a synthesis step of combining the second content with the first content in units of tiles and a second transmission step of transmitting a resultant content obtained by combining the second content with the first content by the process of the synthesis step, to the first information processing apparatus".

However, Fushiki is silent on wherein a ranking and popularity are associated with each tile, the ranking having a predetermined associated content.

In a similar field of endeavor Fedorovskaya teaches ranking images as favorites based on the degree of preference of a user (column 9, 8-17) which meets "wherein a ranking and popularity are associated with each tile, the ranking having a predetermined associated content".

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Fushiki to include wherein a ranking and popularity are associated with each tile, the ranking having a predetermined associated content as taught by Fedorovskaya in order to support behavioral image editing, thereby allowing the selection of favorite images based on user behavior or mood.

Regarding claim 7, Fushiki teaches an information processing apparatus (Para. 0029, ll. 1-3, & figure 6).

 In addition Fushiki teaches first acquisition means for acquiring a first content (604 acquires images from image server see figure 6); second acquisition means for acquiring a second content (604 receives edit list from clients 606a, or b see figure 7, step 706).

Fushiki teaches storing the list of modifications made to the images by client and in return effecting the changes to the images and transmitting the corrected images an the edit list to the client (figure 7, steps 714, & 716) which meets "synthesis means for combining the second content with the first content in units of tile's; and transmission means for transmitting a resultant content obtained by combining the second content

with the first content in units of tiles by the synthesis means, to another information processing apparatus".

However, Fushiki is silent on wherein a ranking and popularity are associated with each tile, the ranking having a predetermined associated content.

In a similar field of endeavor Fedorovskaya teaches ranking images as favorites based on the degree of preference of a user (column 9, 8-17) which meets "wherein a ranking and popularity are associated with each tile, the ranking having a predetermined associated content".

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Fushiki to include wherein a ranking and popularity are associated with each tile, the ranking having a predetermined associated content as taught by Fedorovskaya in order to support behavioral image editing, thereby allowing the selection of favorite images based on user behavior or mood.

Regarding claim 8, Fushiki teaches an information processing apparatus (604), further comprising receiving means for receiving information of a tile (edit list) being displayed by the another information processing apparatus (606a, or b), from the another information processing apparatus (figure 7, step 706).

In addition Fushiki teaches selection means (inherent in 604 to select content based on received edit list for correction) for selecting the second content to be combined with the first content, according to the information of the tile, received by the

receiving means, wherein the synthesis means combines the second content selected by the selection means with the first content (figure 7, steps 714, & 716).

Regarding claim 9, Fushiki teaches an information processing apparatus, further comprising holding means (inherent in 604 to store received edit list to effect corrections) for holding information of a specific tile specified in advance among tiles, wherein the synthesis means replaces a part of the first content, corresponding to the specific tile with the second content (figure 7, steps 714, & 716).

Regarding claim 10, Fushiki teaches storing the list of modifications made to the images by client and in return effecting the changes to the images and transmitting the corrected images an the edit list to the client (figure 7, steps 714, & 716).

However, is silent on calculating means for calculating the popularity of the specific tile according to the information of the tile, wherein the second content is selected according to the popularity.

In a similar field of endeavor Fedorovskaya teaches ranking images as favorites for selection based on the degree of preference of a user (column 9, 8-17) which meets "calculating means for calculating the popularity of the specific tile according to the information of the tile, wherein the second content is selected according to the popularity".

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Fushiki to include calculating means for calculating the popularity of the specific tile according to the information of the tile, wherein the second content is selected according to the popularity as taught by

Fedorovskaya in order to support behavioral image editing, thereby allowing the selection of favorite images based on user behavior or mood.

Regarding claim 11, Fushiki teaches an information processing method for an information processing apparatus for transmitting a content to another information processing apparatus (Para. 0029, ll. 1-3, & figure 6).

In addition Fushiki teaches a first acquisition step of acquiring a first content (604 acquires images from image server see figure 6); a second acquisition step of acquiring a second content (604 receives edit list from clients 606a, or b see figure 7, step 706).

In addition Fushiki teaches a transmission step of transmitting a resultant content obtained by combining the second content with the first content in units of tiles by the process of the synthesis step, to the another information processing apparatus; a synthesis step of combining the second content with the first content in units of tiles (figure 7, 714, & 716 (teaches storing the list of modifications made to the images by client and in return effecting the changes to the images and transmitting the corrected images an the edit list to the client)).

Fushiki is silent on wherein a ranking and popularity are associated with each tile, the ranking having a predetermined associated content.

In a similar field of endeavor Fedorovskaya teaches ranking images as favorites based on the degree of preference of a user (column 9, 8-17) which meets "wherein a ranking and popularity are associated with each tile, the ranking having a predetermined associated content".

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Fushiki to include wherein a ranking and popularity are associated with each tile, the ranking having a predetermined associated content as taught by Fedorovskaya in order to support behavioral image editing, thereby allowing the selection of favorite images based on user behavior or mood.

Regarding claim 12, Fushiki teaches a program storage medium having stored therein a computer-readable program for an information processing apparatus for transmitting a content to another information processing apparatus (Para. 0029, ll. 1-3, & figure 6).

In addition Fushiki teaches a first acquisition step of acquiring a first content (604 acquires images from image server see figure 6); a second acquisition step of acquiring a second content (604 receives edit list from clients 606a, or b see figure 7, step 706).

In addition Fushiki teaches a synthesis step of combining the second content with the first content in units of tiles, and a transmission step of transmitting a resultant content obtained by combining the second content with the first content in units of tiles by the process of the synthesis step, to the another information processing apparatus (figure 7, 714, & 716 (teaches storing the list of modifications made to the images by client and in return effecting the changes to the images and transmitting the corrected images an the edit list to the client)).

Fushiki is silent on wherein a ranking and popularity are associated with each tile, the ranking having a predetermined associated content.

In a similar field of endeavor Fedorovskaya teaches ranking images as favorites based on the degree of preference of a user (column 9, 8-17) which meets "wherein a ranking and popularity are associated with each tile, the ranking having a predetermined associated content".

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Fushiki to include wherein a ranking and popularity are associated with each tile, the ranking having a predetermined associated content as taught by Fedorovskaya in order to support behavioral image editing, thereby allowing the selection of favorite images based on user behavior or mood.

Regarding claim 14, Fushiki teaches an information processing apparatus, further comprising a display means for outputting a screen divided into a plurality of tiles (computer monitor see figure 606a, or b).

Regarding claim 15, Fushiki is silent on an information processing apparatus, wherein the calculating means calculates the popularity of the specific tile based on information of an adjacent tile.

In a similar field of endeavor Fedorovskaya teaches ranking images as favorites based on the degree of preference of a user (column 9, 8-17) which meets "an information processing apparatus, wherein the calculating means calculates the popularity of the specific tile based on information of an adjacent tile".

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Fushiki to include an information processing apparatus, wherein the calculating means calculates the popularity of the specific tile based on information of an adjacent tile as taught by Fedorovskaya in order to support behavioral image editing, thereby allowing the selection of favorite images based on user behavior or mood.

3.   Claims 3-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fushiki, in view of US Patent 6,587,156 to Stubler. (Stubler), in view of Fedorovskaya.

Regarding claim 3, Fushiki teaches an information processing apparatus (Para. 0029, ll. 1-3, & figure 6).

In addition Fushiki teaches receiving means for receiving a content from another information processing apparatus (606a, or b receives from 604 therefore receiving means is inherent in 606a, or b see figure 6).

In addition Fushiki teaches transmission means for transmitting the information of the tile held by a holding means to the another information processing apparatus (604 transmits the image to 606a or b from image data server which is a component of 604 see (figure 6, & Para. 0076)).

Fushiki is silent on detection means for detecting a tile being displayed in the content, wherein a ranking and popularity are associated with the tile, the ranking having a predetermined associated content; holding means for holding information of the tile detected by the detection means.

In a similar field of endeavor Stubler teaches detection means for detecting a tile being displayed in the content (S4); holding means for holding information of the tile detected by the detection means (S8) (figure 1, the process of comparison make holding means inherent because the information has to be held in memory to be compared).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Fushiki to include detection means for detecting a tile being displayed in the content; holding means for holding information of the tile detected by the detection means as taught by Stubler in order to support automatic tile detection, thereby allowing for drawing a bindery between digitized videos.

Fushiki and Stubler are silent on wherein a ranking and popularity are associated with the tile, the ranking having a predetermined associated content.

In a similar field of endeavor Fedorovskaya teaches ranking images as favorites based on the degree of preference of a user (column 9, 8-17) which meets "wherein a ranking and popularity are associated with the tile, the ranking having a predetermined associated content".

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Fushiki and Stubler to include wherein a ranking and popularity are associated with each tile, the ranking having a predetermined associated content as taught by Fedorovskaya in order to support

behavioral image editing, thereby allowing the selection of favorite images based on user behavior or mood.

Regarding claim 4, Fushiki teaches an information processing method for an information processing apparatus for receiving a content from another information processing apparatus (Para. 0030, entire, & figure 7).

In addition Fushiki teaches a receiving step of receiving a content from the another information processing apparatus (figure 7, step 702).

In addition Fushiki teaches a transmission step of transmitting the information of the tile held by the process of a holding step to the another information processing apparatus (604 transmits the image to 606a or b from image data server which is a component of 604 see (figure 6, & Para. 0076)).

Fushiki is silent on a detection step of detecting a tile being displayed in the content, wherein a ranking and popularity are associated with the tile, the ranking having a predetermined associated content; a holding step of holding information of the tile detected by the process of the detection step.

In a similar field of endeavor Stubler teaches a detection step of detecting a tile being displayed in the content (S4); a holding step of holding information of the tile detected by the process of the detection step (S8) (figure 1, the process of comparison make holding step inherent because the information has to be held in memory to be compared).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Fushiki to include detection step

of detecting a tile being displayed in the content; a holding step of holding information of the tile detected by the process of the detection step as taught by Stubler in order to support automatic tile detection, thereby allowing for drawing a bindery between digitized videos.

Fushiki and Stubler are silent on wherein a ranking and popularity are associated with the tile, the ranking having a predetermined associated content.

In a similar field of endeavor Fedorovskaya teaches ranking images as favorites based on the degree of preference of a user (column 9, 8-17) which meets "wherein a ranking and popularity are associated with the tile, the ranking having a predetermined associated content".

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Fushiki and Stubler to include wherein a ranking and popularity are associated with each tile, the ranking having a predetermined associated content as taught by Fedorovskaya in order to support behavioral image editing, thereby allowing the selection of favorite images based on user behavior or mood.

Regarding claim 5, Fushiki teaches a program storage medium having stored therein a computer-readable program for an information processing apparatus for receiving a content from another information processing apparatus (Para. 0030, entire, & figure 7).

In addition Fushiki teaches a receiving step of receiving a content from another information processing apparatus (figure 7, step 702).

In addition Fushiki teaches a transmission step of transmitting the information of the tile held by the process of a holding control step to the another information processing apparatus (604 transmits the image to 606a or b from image data server which is a component of 604 see (figure 6, & Para. 0076)).

Fushiki is silent on a detection step of detecting a tile being displayed in the content, wherein a ranking and popularity are associated with the tile, the ranking having a predetermined associated content; a holding control step of controlling the holding of information of the tile detected by the process of the detection step.

In a similar field of endeavor Stubler teaches a detection step of detecting a tile being displayed in the content (S4); a holding control step of controlling the holding of information of the tile detected by the process of the detection step (S8) (figure 1, the process of comparison make holding step inherent because the information has to be held in memory to be compared).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Fushiki to include a detection step of detecting a tile being displayed in the content; a holding control step of controlling the holding of information of the tile detected by the process of the detection step as taught by Stubler in order to support automatic tile detection, thereby allowing for drawing a bindery between digitized videos.

Fushiki and Stubler are silent on wherein a ranking and popularity are associated with the tile, the ranking having a predetermined associated content.

In a similar field of endeavor Fedorovskaya teaches ranking images as favorites based on the degree of preference of a user (column 9, 8-17) which meets "wherein a ranking and popularity are associated with the tile, the ranking having a predetermined associated content".

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Fushiki and Stubler to include wherein a ranking and popularity are associated with each tile, the ranking having a predetermined associated content as taught by Fedorovskaya in order to support behavioral image editing, thereby allowing the selection of favorite images based on user behavior or mood.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ANTHONY BANTAMOI whose telephone number is (571)270-3581. The examiner can normally be reached on Monday - Friday 8-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Koenig can be reached on (571) 272 7296. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Anthony Bantamoi
Examiner
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